

Appendix 5 - MEMORANDUM OF UNDERSTANDING

Between

THE BUREAU OF LAND MANAGEMENT, UKIAH FIELD OFFICE

And

**THE CALIFORNIA DEPARTMENT OF FISH AND GAME, CENTRAL SIERRA
REGION 2 AND CENTRAL COAST REGION 3**

I. PURPOSE AND BACKGROUND

The purpose of this Memorandum of Understanding is to establish and record terms and conditions of agreement between the Bureau of Land Management's Ukiah Field Office, hereinafter referred to as the Bureau; and the California Department of Fish and Game's Central Sierra Region 2 and Central Coast Region 3, hereinafter referred to as the Department, for cooperative management of lands within the Bureau's Cache Creek Natural Area (CCNA) and the Department's contiguous Cache Creek Wildlife Area (CCWA). These lands have been identified in several planning documents as important for the diversity of sensitive resources present, including biological, cultural, recreational, and scenic values with regional and national significance. This includes approximately 71,000 acres of Bureau-managed land and 3,500 acres of Department-managed land. In addition to these lands, this MOU will apply to any future acquisitions by either agency within or adjacent to these two designated units.

Biological values on federally and state managed Cache Creek lands covered by this MOU include a breeding population of the federally threatened bald eagle, California's endemic tule elk, the riparian habitat of Cache Creek and Bear Creek, native oak woodlands, and serpentine habitats that support rare plants.

The Cache Creek lands also include very sensitive archaeological values, both prehistoric and historic, as well as traditional cultural values including use of the area for plant procurement by basket weavers and other traditional practitioners.

Because of the scenic qualities of the Cache Creek area, many recreationists are drawn here. Diverse primitive recreational opportunities abound along the Cache Creek corridor and are also concentrated in areas such as the Payne Ranch and Fiske Creek acquisitions, as well as the adjacent Cache Creek Canyon Regional Park managed by Yolo County. This MOU recognizes that these special resources require coordinated management by the Bureau and Department to protect, enhance or restore these values, including the prevention of human-caused impacts.

II. AUTHORITY

A. Bureau. Section 307(b) of the Federal Land Policy and Management Act of 1976 (FLPMA - 43 U.S.C. 1701-1782) provides that the Secretary of the Interior may conduct investigations, studies, and experiments, on her own initiative or in cooperation with others, involving management, protection, development, acquisition, and conveyance of the public lands and may enter into assistance relationships for these purposes, subject to applicable law.

The Sikes Act (16 U.S.C. 670a-670o) encourages and provides program opportunities for states and the federal government to cooperate in wildlife resource management. The Master Memorandum of Understanding between the Bureau and the Department, approved June, 1983, provides for "cooperation in the identification of lands having significant fish and wildlife values and in the formulation and execution of plans or programs for the management of fish and wildlife resources on the public lands and by revisions as needed to keep such plans or programs current."

B. Department. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species pursuant to Sections 1801, 1802, and 1900 of the California Fish and Game Code.

III. OPERATIONS

WHEREAS, the Bureau and the Department mutually agree to manage these lands for the protection, improvement, or restoration of biological, cultural, recreational, and scenic values,

A. The Bureau agrees to:

1. Provide the expertise in cultural resource management, as staffing is available, on Bureau and Department lands, including archaeological monitoring, cultural inventories for proposed projects, and coordinating research efforts within the CCNA ;
2. Schedule interpretive hikes for wintertime bald eagle viewing and springtime wildflower viewing, as staffing and volunteers are available.
3. Provide visitor use information at trailheads as funding becomes available.

B. The Department agrees to:

1. Coordinate management activities between Regions 2 and 3.
2. Develop and manage hunting programs on public lands in the Cache Creek Wildlife Area (Department) and Cache Creek Natural Area (Bureau).
3. Coordinate and conduct wildlife surveys (deer and elk).
4. Coordinate and conduct wildlife studies.

C. The Bureau and the Department mutually agree to:

1. Implement the Cache Creek Coordinated Resource Management Plan (CRMP). Other more specific activity plans such as the Tule Elk Habitat Management Plan (HMP) or the Cache Creek Area of Critical Environmental Concern (ACEC) Management Plan may also be used as management guidelines;
2. Assist each other with management of resource values found on Bureau- and Department-managed lands. This assistance will include monitoring and inventory (along with associated reports), pre-project work, and on-the-ground construction projects and facilities planned for the area;
3. Review and consult with each other prior to any planned or permitted activities on public lands within the Cache Creek Natural Area and Cache Creek Wildlife Area. This would include any planned actions routine or new that are proposed by the Department on Bureau lands, such as the Pluth acquisition; or others proposed by the Bureau on Department lands, such as the Redbud or Judge Davis trailheads;
4. Coordinate the preparation of environmental documentation for all actions and projects to meet each agency's requirements;
5. Continue to pursue acquisitions of identified lands which support significant resource values within the Cache Creek Natural Area and Cache Creek Wildlife Area. High priority will be placed on parcels with significant resource values that also provide public access. Public access will be managed within the constraints required to protect biological, cultural, scenic, and recreational resources.
6. Enter into new partnerships and build on existing partnerships with

conservation organizations and other public agencies that will adhere to the provisions of this MOU.

7. Cooperate in law enforcement patrols within the Cache Creek Natural Area and Cache Creek Wildlife Area. This can include, but is not limited to, coordination of routine and investigative patrolling, investigations of illegal drug activity, posting any special closures or restrictions at trailheads, and the development of interagency delegation agreements in order to allow interagency enforcement of rules and regulations on Bureau and Department managed lands. Any unauthorized uses discovered and subsequent actions taken will be brought to the attention of each agency.
8. Identify and seek solutions to public hazards that could impact visitor safety.
9. Share the costs of contracting out the routine maintenance and clean-up of visitor use facilities at the Redbud and Judge Davis trailheads, if funding allows. Dependent upon staffing and fund availability, pursue alternate funding such as grants or volunteer assistance. This would primarily include cleaning restrooms and picking up accumulated trash.

IV. AMENDMENT PROCESS

This MOU may be amended, as necessary or desirable, by a written amendment approved by the Bureau and the Department. Either the Bureau or the Department may propose an amendment by providing a written copy of the proposed amendment to the other. No amendment shall become effective unless and until it has been approved in writing by both the Bureau and the Department.

V. APPLICABILITY OF STATE AND FEDERAL LAW

Notwithstanding any other provision herein, this MOU is subject to, and shall not be interpreted to be inconsistent with, any requirement of the federal Endangered Species Act (16 U.S.C. Section 1531 et seq.) or any other applicable federal, state, or local law or regulation.

VI. TERM OF THIS AGREEMENT

This MOU shall become effective on the date signed by the remaining signatory, and shall remain in effect for a period of five (5) years from that date. This MOU may be terminated by the Bureau or the Department with 30 days written notice to the other

party.

VII. EXECUTION

This MOU is executed in three (3) duplicate originals, each of which is to be considered an original.

VIII. AVAILABILITY OF FUNDS

Implementation of this MOU by either the Bureau or the Department shall be subject to the availability of funding.

IX. ELECTED OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress or resident commissioner (county supervisor) shall be entitled to any share or part of this MOU, or to any benefit that may arise from it.

X. SEVERABILITY

If any provision of this MOU is judicially determined or held to be invalid for any reason, that invalidity shall not, however, be imputed to any other provision of this MOU that was not so determined or held to be invalid.

APPROVAL

The Cache Creek MOU between the Bureau of Land Management's Ukiah Field Office and the California Department of Fish and Game's Central Sierra Region 2 and Central Coast Region 3 is hereby approved. This agreement will be in effect for a period of five years following signed approval by both agencies. At that time the MOU may be updated and extended for an additional five-year period.



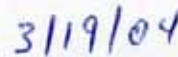
Rich Burns
Ukiah Field Office Manager
Bureau of Land Management


Date

Banky Curtis
Central Sierra Region 2 Manager
California Department of Fish and Game


Date

Robert Floerke
Central Coast Region 3 Manager
California Department of Fish and Game


Date